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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/896,514	06/23/1997	CONRAD OLIVER GARDNER	95-004M	3272

7590
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EXAMINER

LERNER, AVRAHAM H

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 07/23/2004

34

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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0704

DATE MAILED:

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Commissioner for Patents

Supplemental response to appellant's reply brief:

The affidavit by Philip Malte was considered by the examiner and not deemed persuasive because it characterizes the current claims far more specifically than the language as presented, for example by improperly incorporating limitations from the specification into the claims regarding the cruise mode. Further, appellant's request to establish "pioneer status" is not persuasive in any respect. The evidence presented by appellant of 45 patents which cite as prior art at least one of the two patented parent cases is hardly definitive of a pioneer patent, and therefore the declaration does not serve to define over the art of record.

AVRAHAM LERNER
PRIMARY EXAMINER

A. Lerner 7/21/04